

FREDERICK COUNTY PLANNING COMMISSION

November 9, 2011

TITLE: Damascus Road Community Church Expansion:
Phases 2A, 2B & 3.

FILE NUMBER: SP 95-40A (AP# 11986, APFO 11998 & FRO 11988)

REQUEST: **Site Plan Approval**
The total combined building square footage for Phases 2A and 2B is 55,480 square feet. Phase 3 consists of 35 parking spaces.

PROJECT INFORMATION:

LOCATION: North-side Old National Pike, 500' east of Batholows Road

ZONE: Agriculture

REGION: New Market

WATER/SEWER: No Planned Service

COMP. PLAN/LAND USE: Agricultural/Rural and Resource Conservation

APPLICANT/REPRESENTATIVES:

APPLICANT: DRCC Properties, LLC

OWNER: same

ENGINEER: Terra Solutions Engineering, LLC.

ARCHITECT: Not Listed.

ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1: Site Plan Rendering of Phases 2A, 2B & 3
Exhibit #2: Zoning Determination Letter: Existing Cell Tower
Exhibit #3: Zoning Ordinance Modification Statements
Exhibit #4: Approved Letter of Understanding dated October 27, 2011

BACKGROUND

1995 Cell Tower Application and New 2009 Co-Location Site Plan Application: In 1995, the Board of Appeals approved a cell tower use on this remainder (subject parcel of the church site plan) and the Frederick County Planning Commission (FcPc) approved a site plan later that year. The cell tower is built and is located approximately 400' east of the proposed church.

The Staff is currently reviewing a new, administrative site plan application for co-location of a different facility on the same tower. No changes to ground (site plan) conditions are anticipated. The cell tower is currently accessed by an existing residential driveway, which was approved as a common access and driveway for three proposed lots.

On September 15, 2011, The Applicant requested a Zoning Verification letter (Exhibit #2) from the Zoning Administrator regarding the question "Is there any zoning issue, concern or uncertainty with the DRCC constructing church related buildings within the 'fall zone' of the existing cell tower?"

The Zoning Administrator did not have any objection to constructing place of worship related buildings within the 'fall zone' of the existing cell tower located on the same property.

Previous 2007 Minor Subdivision Approval and Current Subdivision Application: The proposed church site development is on the 36.6-acre remainder of a minor, three-lot subdivision that was approved by the FcPc in November 2007. The three lots were the 4th, 5th and 6th lots subdivided since 1965 from the original parcel, and were therefore, subject to FcPc review, being part of a major residential subdivision.

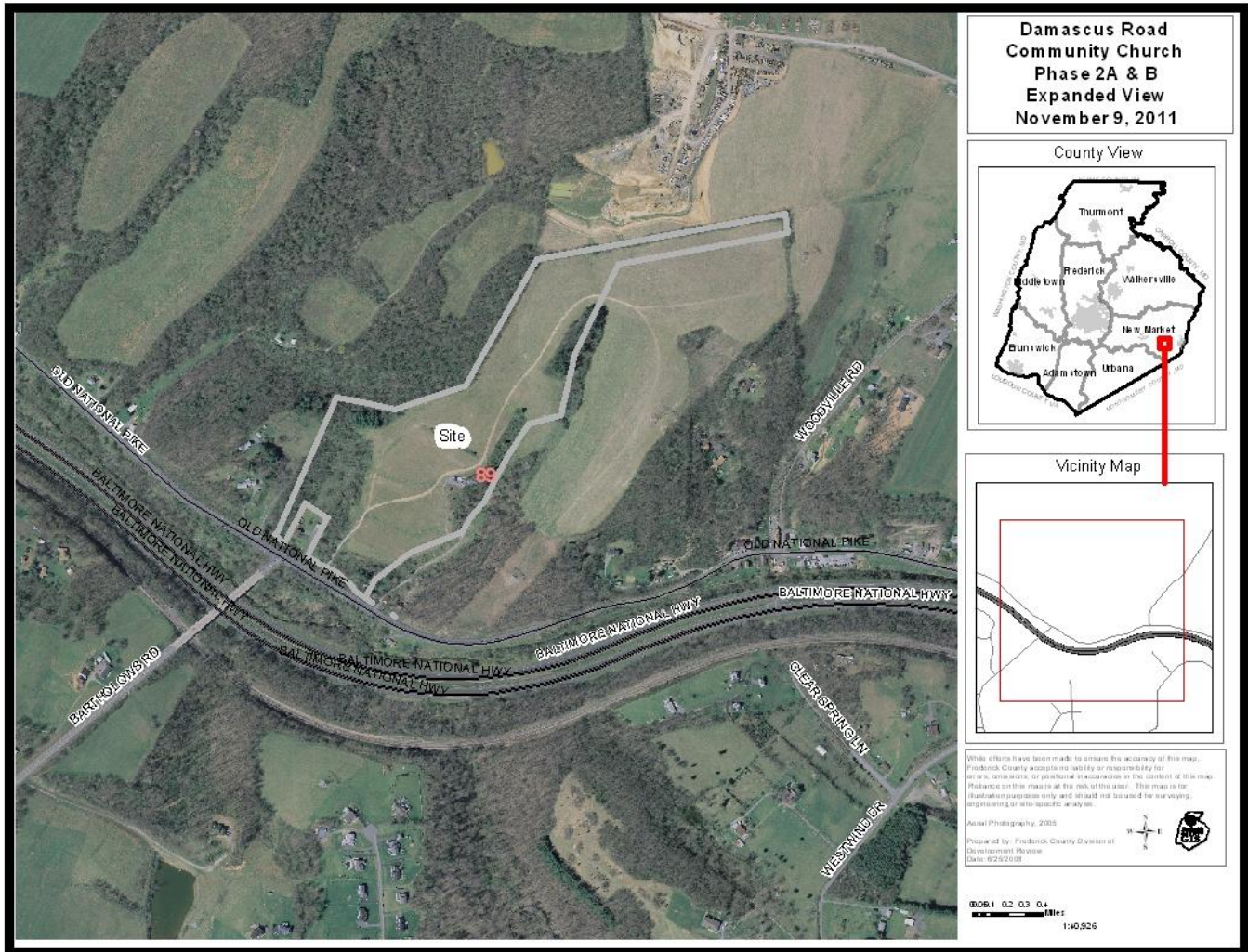
In November 2007, the FcPc also approved two panhandles for the three lots and a common entrance point along Old National Pike. The common entrance point and the panhandles were located over an existing driveway that served two single-family homes, one of which is being demolished.

After the church site plan was submitted (June 3rd 2007), Traffic Engineering Staff requested that a separate, proposed entrance for the church be combined with the entrance point for the three lots in a new, safer location. Therefore, a concurrent application request for the April 2009 FcPc Agenda was re-approved for a new, combined entrance point for the church and three lots, and for re-location of the previously-approved panhandles, thus amending the November 2007 FcPc approval.

The Applicant submitted this site plan application in June 2007, requesting site plan approval for the Phase 1 Church building consisting of 22,520 square feet. The site plan was presented to the FCPC at a hearing on April 8, 2009 and was conditionally approved at that time.

Present Proposal:

In this application, the Applicant proposes a 55,480 sq. ft. church building with parking fields to the south, east and north of the building. Phase 2A consists of the following; 23,750 square foot gymnasium, which is located to the east of the previously approved 22,520 square foot church building. Phase 2B consists of a 29,860 square foot Grand Sanctuary, with 74 underground parking spaces below the structure. Phase 2B also contains a 1,870 square foot mezzanine for the Grand Sanctuary. The total combined building square footage for Phases 2A and 2B is 55,480 square feet. Phase 3 consists of 35 parking spaces and is to be constructed at a later date.



ANALYSIS

Land Use, Design & Layout: The proposed use is being reviewed under the *Places of Worship* use under **INSTITUTIONAL** per § 1-19-5.310 of the Zoning Ordinance. This proposed use is a principal-permitted-use subject to site development plan approval.

Dimensional Requirements & Bulk Standards: Section 1-19-6.100 of the Zoning Ordinance notes the following minimum lot criteria:

Min. Lot Area	40,000 sq. ft.
Lot Width:	200'
Front setback:	40' +2' for building height = 42'
Side Setback:	50' +2' for building height = 52'
Rear Setback:	50' +2' for building height = 52'
Max. Ht. Of Structure:	30'—35' maximum height proposed

Damascus Road Community Church Phase 2A & 2B

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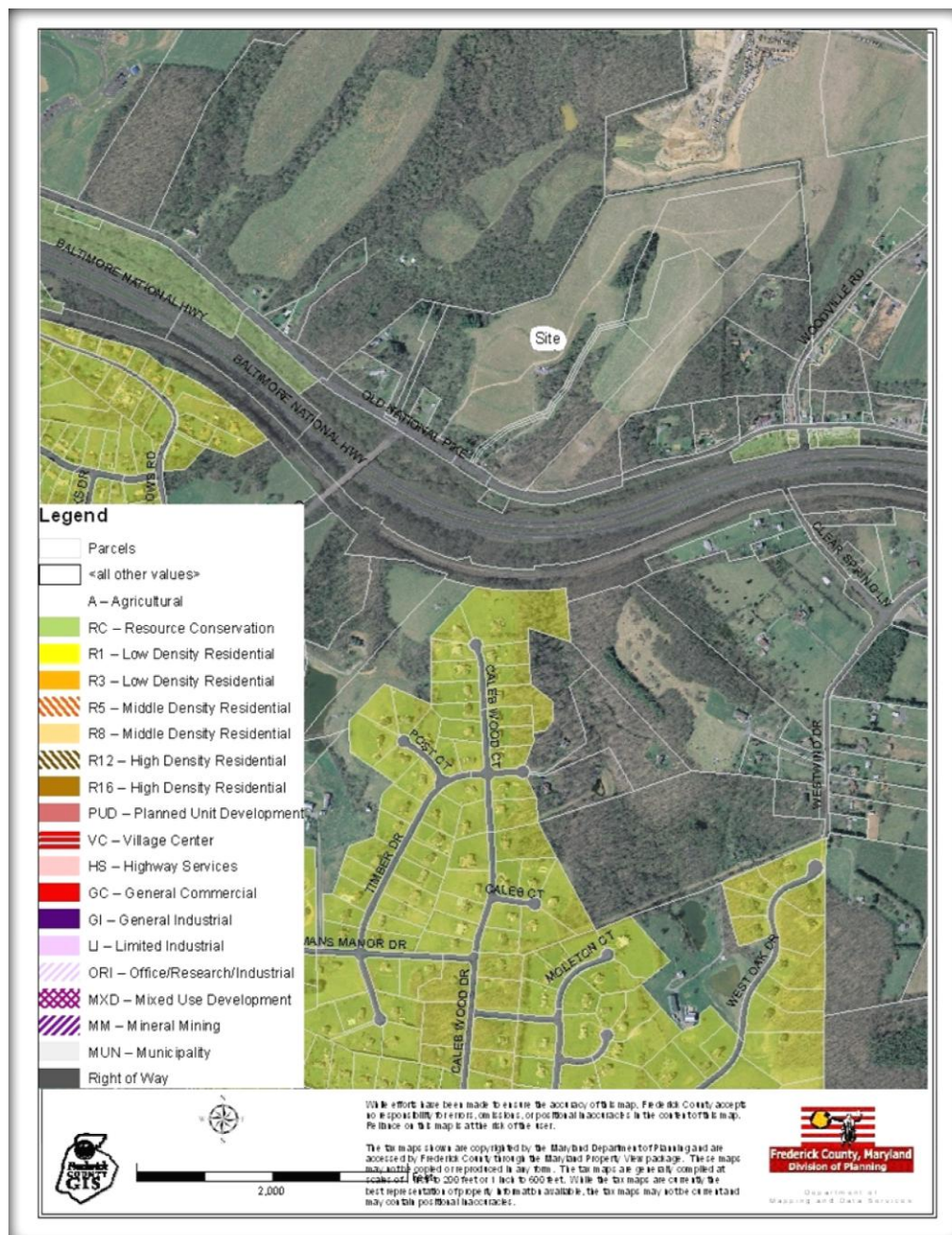
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However, § 1-19-6.160 (C) HEIGHT MODIFICATION allows the following height amendments:

Churches, schools, institutional buildings, public utility buildings and structures provided that for each three feet by which the height of such structure exceeds the maximum height generally permitted for structures in the district, the required side and rear yards measurements will be increased by an additional foot.

The Applicant received a height modification from the FCPC at the hearing for Phase 1 on April 8, 2009. The 5' increase in height over 30' is compensated by the large parcel on which the church is situated and the additional setback distances provided. In addition to the height, the Applicant's site plan conforms to all dimensional and bulk standard requirements listed in §1-19-6.100.

Zoning: The site is located within the Agricultural (AG) Zoning District, shown without color in the map below.



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Frederick County Comprehensive Plan: New Market Region

The Frederick County Comprehensive Plan indicates that the land use for this property is Agricultural. The use proposed for the parcel complies with the Land Use designation within the County Comprehensive Plan

Public Transit: This site is not served by Transit.

Access from Public Road: The Applicant will utilize the recently built closed-section monumented entrance with a 14' entrance lane and two 11' exit lanes. No modifications are needed to accommodate this more intense use of the site. However, there is a concern that on Sunday mornings, a surge of arriving vehicles turning left into the site from the center turn lane could overlap with trips using that same center lane to turn left onto southbound Bartholows Road. To maximize safety, that Applicant has agreed to station a point control officer at the entrance during peak ingress periods, as necessary, to ameliorate the potential conflict by stopping westbound traffic on Old National Pike, thus permitting a free flow of left turning traffic to access the site. See the Adequate Public Facilities section of this report for more details on the Bartholows Road intersection.

Circulation and Parking: After the public road access point, the pavement narrows to 22'. After 320', a break-away lane for the three residential lots is provided for access to the lots. The entrance lane continues for a total of 520' where it merges with an open-section parking and pavement loop lane.

The cell tower is currently accessed from the existing residential driveway that was approved for common use by the three proposed single-family lots. This application proposes to reconfigure the cell tower access to a route along the new, combined entrance and driveway for the Church and three lots. The access for the cell tower would then be via the parking lot to gain access to the easement area of the tower. The parking lane has been designed at a 22' width, which is wider than the current driveway access to the cell tower.

- The construction in Phases 1 and 2A and 2B will be surrounded by 258 surface parking spaces, providing parking adjacent to numerous access points into the sanctuary.
- The Grand Sanctuary also has an underground parking area comprised of 74 spaces including additional handicapped parking. Access for the underground parking area will be from the main access drive coming into the site.
- There is a Phase 3 parking area to the north of the site, located off of the cul-de-sac which will provide an additional 35 spaces.

Sidewalks are provided around the buildings and along the handicapped parking areas. Overall, Staff has no objections to the proposed access and circulation improvements.

Parking Count:**Phase 1:**

In order to accommodate sanctuary-seating capacity for 420 people, 100 parking spaces were proposed for the Phase 1-Site Plan. The required parking for Phase 1 was 84 spaces; this resulted in an increase in parking of approximately 120%, which was approved by the FCPC on April 8, 2009.

Phase 2A & 2B:

The seating proposed for the church (1500 seats) requires 300 parking spaces. Applicant has provided 367 parking spaces, including 7 ADA accessible spaces.

In accordance with Zoning Ordinance Section 1-19-6.220.A.2, the Applicant is seeking a parking space modification (see Exhibit #3) in order to allow an additional 67 parking spaces over the required target number.

DRCC is proposing a phased parking approach in Phase 2 in order to allow the church the opportunity to grow over time and to determine if the additional parking is truly warranted before it is constructed. Initially, a total of 332 parking spaces will be constructed with Phase 2; this equals an increase of approximately 111% above the required

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target number. In the future, if parking becomes a problem the Phase 3 parking area consisting of 35 spaces will be constructed.

Please note that DRCC Phase 2 proposal is providing 74 parking spaces underground beneath the Grand Sanctuary; therefore, no additional impervious area or stormwater runoff will be generated by these additional parking spaces.

Staff does not object to this parking space count modification

Loading Area: According to §1-19-6.210, the amount of building square footage on this site requires 5 large loading spaces. The Applicant has proposed 2 large and 2 small loading spaces throughout the site. One is located in the front of the 22,520 square foot building, with the remaining located to the rear of the gymnasium.

In accordance with Zoning Ordinance Section 1-19-6.210.D, the Applicant is requesting a loading space count modification (See Exhibit #3) in order to provide 2 large and 2 small loading spaces, rather than the required five large loading spaces. The Applicant feels that the loading space count is sufficient for the size of the proposed use. Staff has no objection to this modification.

Bicycle Parking: The Applicant is required to provide four bicycle racks. The Applicant has provided four bike racks at the entrance to the church building adjacent to the drop-off/pick-up area.

Open Space and Landscaping: This use has no Zoning Ordinance open-space requirements.

Utilities: The site will be served by individual well and septic.

Septic requirements: The platted septic field was sized to accommodate 4,999 gallons per day (GPD). The existing septic system has been designed with a large (35,000 gallon) surge holding tank and will pump at a maximum daily septic flow rate of 4,950 gallons or less. The system has been designed to pump the weekly peak flow into the existing septic field at an equalized flow rate over seven (7) day time frame and to never exceed the maximum allowable infiltration rate of 4,999 gpd into the existing platted 20,000 sq ft septic field.

The existing septic system design was reviewed and approved as part of Phase 1 Site Plan design and inspected by the Frederick County Health Department. A small warming kitchen was approved and installed as part of Phase 1 and will continue to operate as constructed and authorized under that phase.

Lighting: The Applicant proposes both building-mounted and pole lighting with 16' mount heights and 20' heights respectively. Given the low mount height and the relative site-isolation from other properties, the design will easily achieve the 0.5 ft.-candle illumination limit for the adjoining residential properties to the rear of the lot. These lighting levels are consistent with the lighting levels and heights approved for Phase 1.

Signs (Location and Type): The Applicant is allowed a total of 32 square feet of signage. The Applicant is proposing a sign that is approximately 28 sq feet in size.

Historic Preservation: There is an abandoned, mid-20th century house (cinder block) on this remainder parcel that is scheduled for demolition. Off-site of this remainder parcel (on Lot 1) are a 19th-century bank-barn and associated out building. These are also scheduled for demolition. Analysis of the barn and outbuilding was presented to the Maryland Inventory of Historic Places. It was determined that while the bank barn provides some scenic value, it does not contain unique features that would qualify it for any register listing.

Adequate Public Facilities Ordinance (APFO): This project was reviewed for potential impacts on schools, water/sewer and roads. The APFO approval can be granted for a four-year period, because the Traffic Impact Analysis (TIA) upon which this approval was based studied a four-year traffic-capacity window. See Exhibit #4.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: The Property is currently classified as *No Planned Service (NPS)* in the County's *Master Water and Sewer Plan*. Individual well and septic currently serve this site.

Road Improvements: The site is capped based on traffic generation at a total amount of 915 Sunday and 32 pm weekday peak hour vehicle driveway trips. Because this site generates less than 50 peak hour trips for the peak hour of the adjacent street, am and pm weekday peaks on Old National Pike, no testing was required, however contributions to existing escrow accounts must be considered.

In accordance with the developer option outlined in Sections 1-20-12 and -13 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution (in lieu of construction) toward the following existing escrow accounts:

Existing Escrow Account at Old National Pike and Morning Gate Court (Escrow Account # 3299).

Improvement: Signal (In place)

Cost: \$115,231, Inflated Cost (from 2000\$): \$184,369

Accrued: \$97,467 – 85% of original actual cost

Assessment: Current balance of \$795 is available to Division of Public Works (DPW). Prior payments totaling \$96,672 have been made to DPW to reimburse them for the signal's installation. Contributions from future developers will continue to be collected under § 1-20-12(C) until the total original cost has been collected.

Applicant Fair Share Contribution: \$1,902

Existing Escrow Account at Old National Pike and Bartholows Road (Escrow Account # 3309).

Improvement: Traffic Control Device (Future)

Cost: Signal - \$85,000, Inflated Cost (2002\$): \$110,500; Roundabout - \$250,000

Accrued: \$60,219 – 71% of original cost estimate

Assessment: This intersection has a higher than average crash rate and the County has fully funded a traffic signal installation for this fiscal year. A study is underway to consider a roundabout at this location in lieu of a signal, but additional funds would be needed. The County will continue to collect contributions from future developers until the actual construction cost has been collected.

Applicant Fair Share Contribution: \$11,560

Existing Escrow Account at Old National Pike and MD 75 (Escrow Account # 3553).

Improvement:

- Additional SB Through lane
- Additional WB approach lane for an exclusive double left turn movement
- Additional NB Left Turn lane
- Provision of an EB free right turn lane movement

Cost: \$1,597,000

Accrued: \$30,129 – 2% of original cost estimate

Assessment: These improvements are necessitated by the Eaglehead Town Center development and would be expected to be constructed in priority stages over time. The current operational failure at this intersection occurs during the weekday am peak period when traffic backs up on the westbound Old National Pike approach, with traffic primarily destined to I-70.

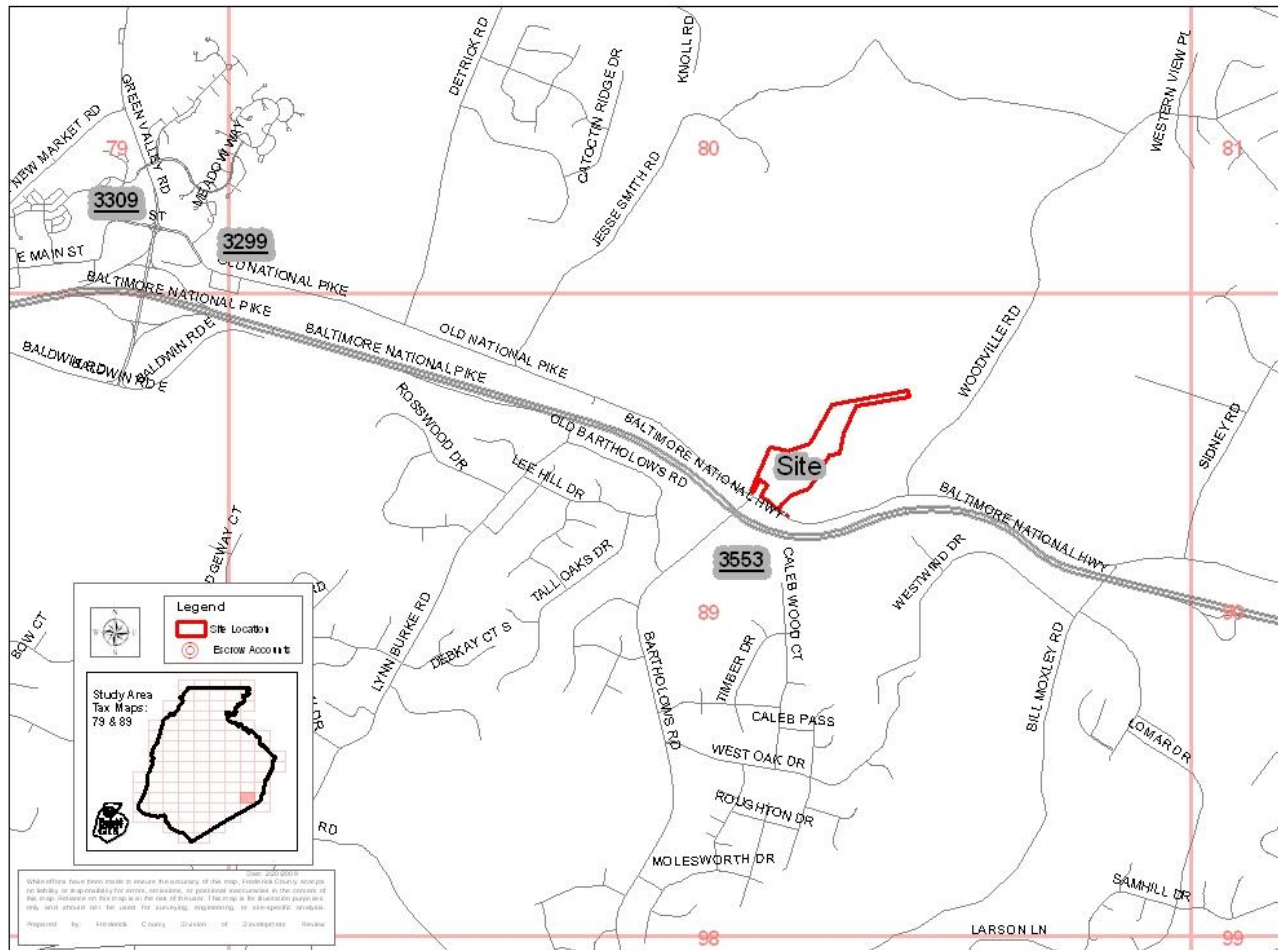
Applicant Fair Share Contribution: \$4,791

Damascus Road Community Church Phase 2A & 2B

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Escrow Accounts for Damascus Road Community Church #11986



In addition to the intersection APFO capacity issues, there is a safety issue with regard to the intersection of Bartholows Road and Old National Pike.

In recent years, this particular intersection has a crash history in excess of what the State Highway Administration (SHA) considers minimally acceptable, that is 1.0 crash per 100 million vehicle approaches per year. In order to resolve the safety issue, the Applicant and the County had partnered in the past on a solution where the Applicant relocated the guardrail along their frontage, and DPW restriped the intersection to provide an exclusive westbound left-turn lane and narrower through-lanes. Currently, the applicant is providing the County at no charge, a borrow pit on site should fill dirt be needed to construct a roundabout.

Forest Resource Ordinance (FRO): The Applicant has combined the required FRO plans for the church remainder and the three subdivision lots at the request of the Staff. There is a modest, partially forested stream system to the east of this remainder site (on Lot 1) that is being preserved and augmented with in-fill planting. This stream is where the New Market Comprehensive Plan shows the Resource Conservation designation.

The FRO, however, addresses all stream buffer areas plus some modestly steep slopes adjacent to the stream buffer.

The site activity for Phases 2A, 2B & 3 falls within the previously approved limits of disturbance for FRO, and is therefore this application exempt.

A Final Forest Conservation Plan and legal documents must be executed prior to lot recordation, or grading or building permit application, whichever comes first.

Damascus Road Community Church Phase 2A & 2B

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OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A.

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Site Plan SP # 95-40A (AP# 11986, APFO 11998 & FRO 11988) for the proposed Damascus Road Community Church, the motion for approval should include the following items:

1. Site plan approval for a period of three years from today's date or until APFO approval expires.
2. APFO approval for 4 years, until November 9, 2015. However, APFO approval is valid only as long as site plan approval remains valid.
3. Approval of Zoning Ordinance Modification requests for the following code sections:
 - a. Parking Space Count Modification: 1-19-6.220.2
 - b. Loading Space Count Modification: 1-19-6.210.D

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Note approval of Zoning Ordinance Modification requests for the following code sections on the site plan:
 - a. Parking Space Count Modification: 1-19-6.220.2
 - b. Loading Space Count Modification: 1-19-6.210.D
3. APFO approval for 4 years, until November 9, 2015. However, APFO approval is valid only as long as site plan approval remains valid.

Damascus Road Community Church Phase 2A & 2B

November 9, 2011

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Lot 4, Remainder
1,568,174 S.F.
or 36.00 Ac.

Ex. BUILDING PHASE 1 BUILDING HALL, 10
22,523 SF
FF# 407.33

PHASE - 2A GYMNASIUM
23,792 SF
FF# 407.33

PHASE - 2B GRAND SANCTUARY
235,880 SF
FF# 407.33

UNDERGROUND GARAGE PARKING BELOW GRAND SANCTUARY
18,914 SF
14 SPACES

Lot 1
500,280 S.F. or 11.48 Ac.
ZONED: AGRICULTURE

SCHEDULE

SIZE	QUANTITY	ROOT	REMARKS
6' x 6' FT	10	B.B.B.	AS SHOWN
6' x 6' FT	33	B.B.B.	AS SHOWN
6' x 6' FT	0	B.B.B.	AS SHOWN
6' x 6' FT	33	B.B.B.	AS SHOWN
6' x 6' FT	16	B.B.B.	AS SHOWN

PROFESSIONAL ENGINEER'S CERTIFICATION

DRAWN BY: [Signature] DATE: [Date]

SEAL LICENSE NO.: [Number] EXPIRATION DATE: [Date]

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED OR APPROVED BY ME AND THAT I AM A duly Licensed Professional Engineer under the laws of the State of Maryland.

HOURS OF OPERATION

MONDAY THROUGH FRIDAY 9:00AM TO 5:00PM
SATURDAY 9:00AM TO 12:00PM
SUNDAY 10:00AM TO 4:00PM



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Office of the Zoning Administrator

30 North Market Street • Frederick, Maryland 21701
301-600-2572 • FAX 301-600-2309 • TTY: Use Maryland Relay
www.FrederickCountyMD.gov/planning

September 15, 2011

Schaefer Construction Management, Inc.
208 East Ridgeville Boulevard, Suite 202
Mount Airy, MD 21771
Attn: Mark Schaefer

Re: Damascus Road Community Church
12826 Old National Pike
Mount Airy, MD
Tax Map 89, Grid 10, Parcel 29, Lot 4
Tax ID#18-402823, SP-95-40

To Whom It May Concern,

This office has received your Zoning Verification request on September 12th, 2011 regarding the placement of the proposed church buildings on the above referenced property (Property). Your request letter states "Is there any zoning issue, concern or uncertainty with the DRCC constructing church related buildings within the 'fall zone' of the existing cell tower?"

The Property is currently zoned Agricultural (AG) under the Frederick County Zoning Ordinance (Ordinance).

Ordinance Section 1-19-8.332(F) *COMMUNICATION TOWERS IN RC AND A DISTRICTS* states "Setbacks for communications towers shall be as follows: setback from all property lines shall be a distance not less than 1 foot for every foot of tower height, but in no case less than 300 feet from any adjoining residential structure. This setback distance may be modified by the Board of Appeals." As per Ordinance Section 1-19-5.310 *USE TABLE* a Place of worship is categorized as an Institutional use, not a Residential use.

Based on the above information and the information submitted by the applicant, Zoning Administration would have no objection to constructing place of worship related buildings within the 'fall zone' of the existing cell tower located on the same Property. Any proposed use and/or structure will be subject to reviews and additional comment from this office and other local, County, State, and Federal regulations.

If you have any questions, please me at 301-600-1491.

Sincerely,

Larry W. Smith
Zoning Administrator

cc: File

ec: Michael Chomel
Gary Hessong
Justin Horman

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

"Solutions through experienced engineering"

P.O. Box 699
Mount Airy, Maryland 21771

Phone: 240-315-4511

October 26, 2011

Mr. Tolson DeSa
Division of Permitting and
Development Review
30 North Market Street
Frederick, Maryland 21701

Re: Site Plan Modification Requests
Damascus Road Community Church
Tax Map 89, Parcel 29
Situated at 12826 Old National Pike (MD Rte. 144)
Site Plan File #: SP-9540
A/P #: 11986

Dear Mr. DeSa:

On behalf of our client, Damascus Road Community Church (DRCC), Terra Solutions Engineering, LLC (TSE) would like to provide the following justification for several minor modifications proposed on the subject Site Plan for deviations from the current Frederick County Zoning Ordinance:

Parking Count Modification

Currently 110 parking spaces were approved for the Phase 1 – Site Plan to accommodate a sanctuary seating capacity of 420 people. With a parking requirement of one (1) space for every five (5) seats, the required parking for Phase 1 was determined to be 84 parking spaces. An increase in the parking count of approximately 130% was granted by the Frederick County Planning Commission for the Phase 1 Site Plan.

Similarly, in Phase 2, DRCC is again requesting an increase in the allowable parking. With a maximum sanctuary seating capacity of 1,500 people, the required parking count will be 300 spaces. DRCC is proposing a phased parking approach in Phase 2 in order to allow the church the opportunity to grow over time and to determine if the additional parking is truly warranted before it is installed. Initially, a total of 332 parking spaces will be constructed with Phase 2; this equals an increase of approximately 111% above the required zoning parking count. In the future, if parking becomes a problem and the church has the attendance to support a major parking lot expansion project, the Phase 3 parking lot would then be constructed. The Phase 3 parking expansion would have a net effect of increasing the parking count from 332 to 367 parking spaces.

This increase would bring the total parking count to approximately 122% above the required zoning parking count.

It should be noted that DRCC is proposing 74 parking spaces to be provided within an underground parking facility beneath the main sanctuary; therefore, no additional impervious area or stormwater runoff will be generated by these parking spaces.

Loading Space Modification

According to Zoning Ordinance (#1-19-3.210 – Loading Spaces): One (1) large (12'x 50') space or two (2) small (9'x 20') spaces, plus one (1) large space for each additional 15,000 SF or part thereof over 20,000 SF; therefore, a total of 4.9 loading spaces is required for DRCC.

As presented in Site Plan Note #13, five (5) large loading spaces would be required for an institutional use building of this size. Since this is a church and not a more commercial type use, very few major deliveries will be required once the facility is open and operational; therefore, we request that a modification from ZO 1-19-3.210 allowing a total of four (4) loading spaces (i.e., two large 12' x 50' loading spaces and two smaller 12' x 30' loading spaces) to be approved for this Site Plan.

If you have any questions or comments concerning these modification requests, please feel free to contact me at 240-315-4511.

Sincerely,
Terra Solutions Engineering, LLC

Gerald Lee Miller

Gerald Lee Miller, Jr., P.E.
President

Cc: Mark Schaefer Schaefer Construction Management



**COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND**

Department of Planning and Development Review

30 North Market Street • Frederick, Maryland 21701

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ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Damascus Road Community Church Expansion

Site Plan # SP 95-40A (AP #11998)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and the Damascus Road Community Church ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for the Damascus Road Community Church Expansion (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 36 +/- acre parcel of land, which is zoned Agriculture (A), and located with access on the north side of Old National Pike, just east of Bartholows Road. This APFO approval will be effective for expansion of a place of worship, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on November 9, 2011.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: The Property is currently classified as *No Planned Service (NPS)* in the County's *Master Water and Sewer Plan*. Individual well and septic currently serve this site.

Road Improvements: The site is capped based on traffic generation at a total amount of 915 Sunday and 32 pm weekday peak hour vehicle driveway trips.

In accordance with the developer option outlined in Sections 1-20-12 and -13 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution (in lieu of construction) toward the following existing escrow accounts:

1. **Existing Escrow Account at Old National Pike and Bartholows Road** (Account # 3309). The estimated cost of the intersection traffic control improvement is \$ 250,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.48%. Therefore the Developer hereby agrees to pay \$6,200 to the escrow account for this Road Improvement.
2. **Existing Escrow Account at Old National Pike and Morning Gate Court** (Account # 3299). The estimated cost of the signal improvement is \$ 184,369. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.20%. Therefore the Developer hereby agrees to pay \$ 2,212 to the escrow account for this Road Improvement.
3. **Existing Escrow Account at Old National Pike and Green Valley Road (MD 75)** (Account # 3553). The estimated cost of the intersection improvement is \$ 1,597,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.3%. Therefore the Developer hereby agrees to pay \$4,791 to the escrow account for this Road Improvement.

The total required escrow account contribution is \$13,203. These road escrow contributions must be paid in full prior to release of the building permit. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

The County is in the process of designing an improvement that calls for a new traffic control device (roundabout or traffic signal) at the intersection of Old National Pike and Bartholows Road. The Developer agrees to permit the County to apply up to the entire escrow contribution toward that improvement. The Developer also agrees to set aside a portion of the site as a borrow pit for use by a County contractor should it be needed for this improvement at no charge to the County.

Period of Validity: The site plan approval is valid for four (4) years from the date of Commission approval; therefore, the site plan approval expires on November 9, 2015. APFO approval shall be valid for as long as the site plan approval remains valid.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures on Next Page]

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DEVELOPER:

By: Deborah Lawrence Date: Oct. 27, 2011
Name: Deborah Lawrence
Title: Treasurer, Damascus Road Community Church, Inc.

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
John McClurkin, Chair or Robert Lawrence, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Permitting & Inspections

Planner's Initials / Date _____
County Attorney's Office Initials / Date _____
(Approved as to legal form)

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October 14, 2011
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